

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CRM-M-36149-2019

Date of Decision:09.01.2020

Vikas Chillar and others

.....Petitioners

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Atul Goyal, Advocate,
for the petitioners.

Mr. Tanuj Sharma, AAG, Haryana.

None for respondent No.2.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.85 dated 19.02.2014 under Sections 406, 498-A, 354, 323, 506, 34 IPC, registered at Police Station Kharkhoda, District Sonipat (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise(Annexure P-2).

This Court vide order dated 30.08.2019 had directed the parties to appear before the trial Court/Illaqa Magistrate to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, the parties have appeared before learned Sub-Divisional Judicial Magistrate, Kharkhoda, Sonapat and got their statements recorded. On the basis of the statements so recorded,

learned Magistrate has submitted report dated 22.10.2019 to the effect that the compromise effected between the parties is genuine, without any pressure, coercion or undue influence.

Though no one is present on behalf of the complainant-respondent No.2-Sangeeta in Court today, but no prejudice would be caused to her as she has already made a statement with regard to compromise before learned Magistrate on 04.10.2019. The same is reproduced as under:-

“I, Sangeeta (complainant) state that I have effected a compromise with the accused persons voluntarily, out of my free will, without any pressure, undue influence or coercion from any side. I have already obtained divorce from accused Vikas.”

Learned counsel for the petitioners states that not only the matter has been compromised between the parties, decree of divorce filed by them under Section 13-B of the Hindu Marriage Act has also been granted.

Learned State Counsel, on instructions from ASI Munish Kumar, submits that out of total 12 witnesses cited by the prosecution, 07 witnesses have been examined in the case. However, he has not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Hon'ble Supreme Court in ***Gold Quest International Private Limited Versus State of Tamil Nadu and others-2014 (4) RCR (Criminal) 206*** has held that when the disputes are substantially matrimonial in nature, or are civil property disputes with criminal facets, if the parties enter into a settlement, and it becomes clear that there are no chances of conviction, there is no illegality in quashing the proceedings under Section 482 Cr.P.C. read with Article 226 of the Constitution of India.

Thus, following the principles laid down by the Full Bench judgment of this Court in *Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*, as approved by the Hon'ble Supreme Court in *Gian Singh Versus State of Punjab and others (2012) 10 SCC 303* also, in the light of *Gold Quest International Private Limited's case (supra)*, this petition is allowed and FIR No.85 dated 19.02.2014 under Sections 406, 498-A, 354, 323, 506, 34 IPC, registered at Police Station Kharkhoda, District Sonapat(Annexure P-1) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise(Annexure P-2), subject to payment of costs of ₹15,000/- to be paid by the petitioners, within a period of one month from today with **Bhagat Phool Singh, Govt. Medical College Khanpur Kalan, Sonapat** and the said amount shall be utilized on the treatment of poor patients within the knowledge of its Medical Superintendent.

January 09, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No